

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on May 1, 2006, and the references cited therewith. Claims 1-42 are pending in this application.

Double Patenting Rejection

Claims 4-7, 12, 21, 22, 25-28 and 34-42 were rejected under the judicially created doctrine of double patenting over claims 10-29 of U.S. Patent No. 6,921,811 .

Claims 4-7, 12, 21, 22, 25-18 and 34-40 were rejected under a non-statutory double patenting rejection, specifically U. S. Patent No. 6,342,591. A Terminal Disclaimer in compliance with 37 CFR 1.321(b)(iv) is enclosed herewith to overcome these rejections.

'102 Rejection of the Claims

Claims 1-42 were rejected under 35 USC ' 102(b) as being anticipated by Zamora et al (PCT/US/2001/24000) having international publication number (WO 02/10221) which was published on February 7, 2002. The present application claims the benefit of U.S. provisional application having Serial No. 60/418,127 filed on 10/10/2002. Provisional application 60/418,127 enables claims 1-42. Since the Zamora reference was not published more than one-(1) year prior to the filing of Serial No. 60/418,127 to which the present application claims benefit, the Zamora reference is defective as a 35 USC '102(b) reference.

Therefore claims 1-42 are patentable over Zamora.

'103 Rejection of the Claims

Claims 1-3, 8-11, 13, 14, 16, 20, 23,24 and 29-33 were rejected under 35 USC ' 103(a) as being unpatentable over Zamora et al (WO 02/10221). Applicant traverses the Examiner's rejection. Applicant asserts that claims 1-3, 8-11, 13, 14, 16, 20, 23, 24 and 29-33 find support in the parent application having Serial No. 10/450,309 filed Jul. 31, 2000 now U.S. Pat. No. 6,342,591.

Wound healing devices are disclosed in Serial No. 09/629,059 filed Jul. 31, 2000 now U.S. Pat. No. 6,342,591 at column 14, line 44 which is incorporated by reference in the current application.

Polymeric films are described in 10/450,309 at column 12, lines 6-24 wherein polyvinyl chloride, polycaprolactone and others are disclosed.

Hydrophobic complex such as heparin bound by hydrophobic interaction is described in 10/450,309 at column 15, lines 62-67.

Polyanion is known as heparin and heparin-activity molecule and is found in the abstract of 10/450,309.

A discussion of a bioactive molecule being covalently bonded to a heparin-activity molecule is found in the abstract of 10/450,309 and provides support for the element “a polyanion covalently bonded to a hydrophobic prosthetic moiety, with a first bioactive molecule directly complexed to the polyanion” found in claim 1 of the present application.

Hence independent claim 1 is supported by the specification of 10/450,309.

Therefore claim 1 is entitled to the priority date of US application 10/450,309 which is July 31, 2001. Since Zamora was not published until February 7, 2002, Zamora is defective as a 103(a) reference.

Therefore claim 1 is patentable over Zamora.

Claims 2-3, 8-11, 13-20, 23, 24 and 29-33 depend from claim 1 and are patentable for at least the reasons as stated in support of claim 1.

Claim 2 was rejected under 35 USC ' 103(a) as being unpatentable over Zamora et al (WO 02/10221) in view of Byun et al (US 6,245,753) or Ishiara et al (Biomed. Mater. Res., 2000). Applicant traverses the rejection.

Zamora is not an effective 103(a) reference against claim 1 for reasons discussed above. Claim 2 depends from claim 1. The references of Byun or Ishiara either alone or in combination fail to teach each and every element of claim 1.

Therefore claim 2 is patentable over Byun or Ishiara.

Claims 15 and 17-19 are rejected under 35 USC ' 103(a) as being unpatentable over Zamora et al (WO 02/10221) in view of Hutcheon et al (US 5,807,295). Applicant traverses the rejection.

Zamora is not an effective 103(a) reference against claim 1 for reasons discussed above. Claims 15 and 17-19 depends from claim 1. The reference of Hutcheon fails to teach each and every element of claim 1.

Therefore claims 15 and 17-19 are patentable over Hutcheon.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (505 998 6134) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 13-4213

Respectfully submitted,



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